

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TERRY REED,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:06CV1111 AGF
	)	
JOHN TILLER, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff filed his complaint in this matter against seven named Defendants on July 20, 2006. Rule 4(m) of the Federal Rules of Civil Procedure provides that “[i]f service of the summons and complaint is not made upon a defendant within 120 days after filing the complaint, the court, . . . on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time.” On motion of Plaintiff, the Court, by Order dated December 4, 2006, extended the time for service until February 5, 2007. [Doc. #11]. No proof of service having been filed by that date, the Court entered an Order to Show Cause on February 20, 2007, directing Plaintiff to show cause within fourteen (14) days why the action should not be dismissed without prejudice for lack of timely service. [Doc. #19]. Plaintiff did not respond to the Order to Show Cause, and the time to do so has expired, nor has Plaintiff filed proof of service.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's complaint is **DISMISSED without prejudice** for failure to timely serve Defendants in accordance with Federal Rule of Civil Procedure 4(m).

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE

Dated this 12th day of March, 2007.